

**PLANNING AND ZONING COMMISSION
REGULAR MEETING - MINUTES
MAY 26, 2015 – 7:30PM
GOSHEN TOWN HALL – 42 NORTH STREET**

PRESENT: Chairman Don Wilkes, Cynthia Barrett, Russell Hurley, Lu-Ann Zbinden; Alternates Garret Harlow and Mark Harris; Town Planner and Zoning Enforcement Officer Martin Connor, AICP.

EXCUSED: Stephen Cooney.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

Chairman Don Wilkes called the meeting to order at 7:30PM. All regular members present were seated for the evening. Alternate Garret Harlow was seated for Stephen Cooney. Alternate Mark Harris was seated for Russell Hurley for agenda items 2A and 5A only, as Mr. Hurley had not attended the April 28, 2015 regular meeting and public hearing. The proceedings were recorded digitally, and copies are available in the Land Use Office.

2. PUBLIC HEARINGS CONTINUED:

A. Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone.

The Recording Secretary read into the record the legal notice for this matter. Mr. Connor reviewed with the Commission his report on this application dated May 23, 2015 as well as the report prepared by Town Engineering Consultant, Todd Parsons, PE, dated May 5, 2015.

Attorney Peter Ebersol then addressed the Commission on behalf of the applicant to explain that two items identified by Todd Parsons in his report had already been addressed. The construction sequence that had been submitted independently had since been incorporated into the plan set, and the plans had been changed to reflect the discharge of the roof drains to the new catch basin near Route 4. He stated that revised plans reflecting these changes would be distributed by Mr. Colby. Mr. Ebersol stated that the applicant was amenable to a condition of approval whereby making the remaining change as per Mr. Parsons' report would be required.

Bill Colby, PE, next addressed the Commission, distributing copies of the revised plans to all Commission members. He explained that the one remaining recommendation from Mr. Parson's report was to develop specifications for Basin #1 that will allow for slow exfiltration. Since the water table would be at or near the existing ground surface at least part of the year, water would have to exit the basin through the berm rather than the bottom of the basin. Mr. Colby explained that he planned to use appropriate material to construct the berm such that this could be achieved.

Applicant Mark Wasdo then addressed the Commission to submit a check in the amount of \$33.00 to pay the outstanding balance for the required engineering review.

At this time, Mr. Wilkes opened the floor for public comment; however, no one present expressed a desire to speak. Hearing no further comments or questions from the Commission:

MOTION Mr. Harlow, second Ms. Zbinden, to close the public hearing in the matter of **Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone**; unanimously approved.

3. **PUBLIC HEARINGS:**

A. **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations.**

The Recording Secretary read into the record the legal notice for this matter. Mr. Connor stated that the Northwest Hills Council of Governments had been notified as required by State statute; however, no comments or questions had been received from them.

Mr. Connor explained that while the Commission proposes most zoning text amendments, this application had been submitted by a Goshen property owner. The application proposed that ground floor apartments, parking, and contractor storage be permitted as principal uses by special permit approval in the Center Business (CB) Zone. Mr. Connor then reviewed with the Commission his report on this application dated May 23, 2015.

Mark Greenberg of 6645 Village Market, LLC addressed the Commission regarding this application. He explained that amending the regulations to permit contractor storage, parking, and ground floor apartments by special permit would allow him to make application to potentially use the back area of his property at 59 Torrington Road. He expressed the belief that the Town had a need for apartments and elderly housing. Additionally, with the approval of the application to construct a restaurant at 171 Torrington Road, the school buses parked there would need to be relocated. This amendment would possibly allow Mr. Greenberg to use the back portion of his property with the utility easement for parking school buses and other vehicles.

Mr. Wilkes opened the floor to public comment.

Blanche Martin, 101 Torrington Road, addressed the Commission to inquire whether trucks in the parking area and contractor materials would be seen from the street. Mr. Connor clarified that the matter now before the Commission was pertained to a possible text amendment only; no property-specific application had been received. The Commission was only deciding whether or not the three uses should be permitted in the Center Business Zone by special permit. If the text amendment were adopted, then owners of property in the Center Business Zone would be able to submit special permit applications for these uses.

Mr. Wilkes questioned Mr. Greenberg envisioned contractor storage to be entirely enclosed, and Mr. Greenberg responded affirmatively. He explained that he believed there was a need in Goshen for facilities for small contracting business where materials and equipment could be stored with room for a small adjoining office. Mr. Connor agreed, noting that the regulations permitted contractor storage as a home-based business; however, once a contractor's business grew and a couple of employees were hired, the business became larger than the regulations permitted for a home business. A facility such as that proposed by Mr. Greenberg was the next logical step for a growing contracting business.

Mr. Wilkes questioned whether the back portion of Mr. Greenberg's property was zoned RA-2 or CB. Mr. Connor explained that they were in fact zoned CB as a result of a Zone Change that had been approved by the Commission on February 27, 2007. The confusion apparently arose from the fact that the assessor's mapping had not be updated to reflect this change. The Commission then discussed the review process for special permit applications. Mr. Wilkes questioned the sanitation requirements for apartments should the amendment be approved. Mr. Connor explained that, since there were no sewer facilities available in the CB Zone, any prospective applicant under these amended regulations would have to have testing performed to ensure adequate septic facilities.

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Attorney Peter Ebersol then addressed the Commission in support of the proposed amendment, noting that it appeared to address three obvious needs for the Town.

Mr. Wilkes questioned how the Commission would be able to ensure that applicants for contractor storage would be storing hazardous materials onsite. Mr. Connor explained that the first requirement listed under the general standards for Special Permit in Section 5.3.1 stated that the “proposed activity will not create any conditions that could endanger public health, safety, and welfare.” The Commission could therefore impose conditions it felt were necessary or else the application could simply be denied.

James and Blanche Martin, 101 Torrington Road, then addressed the Commission to ask about the type of equipment that could potentially be stored onsite. Mrs. Martin stated that she had no concerns about indoor storage; however, she questioned what would guarantee this would occur. Mr. Connor explained that applicants are required to submit a site plan as a part of the special permit process, and the site plan clearly depicts where everything will be located onsite. If the Commission approved a special permit application, the approval would be as per the site plan submitted by the applicant.

Hearing no further comments or questions:

MOTION Mr. Hurley, second Ms. Zbinden, to close the public hearing in the matter of **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations**; unanimously approved.

4. READING OF THE MINUTES:

A. April 28, 2015 regular meeting.

MOTION Ms. Zbinden, second Mr. Harlow, to approve the minutes of the April 28, 2015 regular meeting as written; unanimously approved.

5. OLD BUSINESS:

A. **Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone.**

Mr. Wilkes explained that he, Ms. Barrett, Ms. Zbinden, Mr. Harlow, and Mr. Harris would be seated for this matter.

MOTION Mr. Harris, second Mr. Harlow, to approve the application in the matter of **Left of Center, LLC, applicant; Colby Excavating, LLC, owner; 171 Torrington Road – Special Permit per Section 3.5.2.5 of the Zoning Regulations – Construct Restaurant in the Center Business Zone** subject to the following conditions:

1. The applicant shall address the comments from Consulting Town Engineer Todd Parsons, PE, contained in his memo to the Town Planner dated May 5, 2015.
2. A bond estimate shall be prepared by the applicant's engineer for the proposed erosion and sedimentation controls and submitted to the Town Planner for his review and approval. A cash bond for the erosion and sedimentation controls in an amount approved by the Town Planner shall be submitted prior to the start of construction.

The motion was unanimously approved.

- B. **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations.**

MOTION Mr. Harlow, second Mr. Hurley, to approve the application in the matter of **6645 Village Market, LLC, 59 Torrington Road – Zoning Text Amendment to Section 3.5.2 of the Town of Goshen Zoning Regulations** to adopt the proposed changes whereby Contractor Storage, Parking, and Ground Floor Apartments would be permitted principal uses in the Center Business Zone subject to special permit approval, finding that this proposal is consistent with the Plan of Conservation and Development, with an effective date of the day after the date of publication; unanimously approved.

6. **NEW BUSINESS:**

No business was discussed.

7. **ZONING ENFORCEMENT OFFICER'S REPORT:**

The Commission reviewed the report of the Zoning Enforcement Officer's activities from April 29th through May 23rd.

MOTION Mr. Hurley, second Ms. Zbinden, to accept the Zoning Enforcement Officer's Report for the period from April 29, 2015 to May 23, 2015; unanimously approved.

8. **CORRESPONDENCE:**

No business was discussed.

9. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

No business was discussed.

10. **ADJOURNMENT:**

MOTION Ms. Zbinden, second Ms. Barrett, to adjourn at 8:20PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary